

EXHIBIT J

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<p style="text-align: right;">Page 14</p> <p>1 A I don't recall the man's name.</p> <p>2 Q What about when the meetings were at Jack's house?</p> <p>3 Were there any other adults present?</p> <p>4 A There were other adults present at times when we--</p> <p>5 depending on what the activity was.</p> <p>6 When we shot .22s, there were other people there</p> <p>7 to make sure that an accident didn't happen.</p> <p>8 Q When you say "other people," were these other adult</p> <p>9 volunteers from the Kent 2nd Ward?</p> <p>10 A Yes.</p> <p>11 Q Do you ever recall any meetings where the bishop was</p> <p>12 present?</p> <p>13 A Depending which bishop you're referring to--</p> <p>14 Q Well, any bishop.</p> <p>15 A I know that Bishop Coleman was a part of our Scouting</p> <p>16 program at one time, and I recall him being at</p> <p>17 meetings at the church.</p> <p>18 Q Can you think of any other bishops that may have been</p> <p>19 present during any Scout meetings or Scout functions?</p> <p>20 A I know that Bishop Pettit was in office or the</p> <p>21 bishopric, held the bishop's position at that time.</p> <p>22 Q Do you have any specific recollection of him actually</p> <p>23 being present during a Scout meeting?</p> <p>24 A Right in the Scout meeting, no.</p> <p>25 Q Were there Scout outings or functions up at a</p>	<p style="text-align: right;">Page 16</p> <p>1 Scouting activities with you?</p> <p>2 A Yes.</p> <p>3 Q What activities do you recall him participating in?</p> <p>4 A I invited Todd to go to the Lake Kachess cabin for a</p> <p>5 Scouting campout over a weekend. I believe it was a</p> <p>6 weekend.</p> <p>7 Q It was a weekend campout?</p> <p>8 A Yes.</p> <p>9 Q Was Jack LoHolt there?</p> <p>10 A Yes.</p> <p>11 Q Did something happen to Todd by Jack LoHolt on that</p> <p>12 weekend?</p> <p>13 A Yes.</p> <p>14 Q What happened?</p> <p>15 A Todd told me when we got home that Jack was fondling</p> <p>16 him while we slept.</p> <p>17 Q Had you been aware of that while it was going on or</p> <p>18 did you learn of it when he told you that?</p> <p>19 A I learned of it when he told me that.</p> <p>20 Q Was that the first that you were aware of Jack</p> <p>21 engaging in that type of conduct with boys?</p> <p>22 A I had heard that Jack was rather strange in that area</p> <p>23 prior to that.</p> <p>24 Q What had you heard?</p> <p>25 A I had heard that Jack liked to suck on boys' toes</p>
<p style="text-align: right;">Page 15</p> <p>1 property in the vicinity of Snoqualmie Pass?</p> <p>2 A Yes.</p> <p>3 Q And where was that and what was it?</p> <p>4 A It was at Lake Kachess on Snoqualmie Pass, and there</p> <p>5 was a cabin being built there that we would meet at.</p> <p>6 Q And when you say "we would meet at," who are you</p> <p>7 referring to?</p> <p>8 A The Scouts that would have attended.</p> <p>9 Q Members of the troop?</p> <p>10 A Right.</p> <p>11 Q How would you be transported up to that location?</p> <p>12 A One time I was riding with Jack in his dump truck.</p> <p>13 Q Was there more than one occasion that you went to</p> <p>14 that place?</p> <p>15 A Yes, I believe so.</p> <p>16 Q Were there ever any campouts up there?</p> <p>17 A Yes.</p> <p>18 Q Did you, when you were a boy in Scouting, have a</p> <p>19 friend by the name of Todd Denny?</p> <p>20 A Yes.</p> <p>21 Q How did you know Todd?</p> <p>22 A Todd was our neighbor.</p> <p>23 Q Was he a good friend?</p> <p>24 A Yes.</p> <p>25 Q Did Todd ever participate in any Kent 2nd Ward</p>	<p style="text-align: right;">Page 17</p> <p>1 while they slept at different campouts.</p> <p>2 I had a run-in with Jack prior to that campout, I</p> <p>3 believe.</p> <p>4 Q And did he attempt to do something of a sexually</p> <p>5 inappropriate nature with you?</p> <p>6 A Yes.</p> <p>7 Q Were you surprised when Todd Denny told you what he</p> <p>8 told you had happened to him?</p> <p>9 A Yes.</p> <p>10 Q What did you do with that information?</p> <p>11 A I went and reported it to Bishop Pettit.</p> <p>12 Q Do you remember approximately what year that would</p> <p>13 have been?</p> <p>14 A I believe it was around 1976.</p> <p>15 Q Is there any reason why you think it was 1976 as</p> <p>16 opposed to some other year?</p> <p>17 A I just recall what my Scout badges were prior to</p> <p>18 that, and I base my recollection on that.</p> <p>19 Q When you talked to Bishop Pettit, did you meet</p> <p>20 face-to-face or was it over the phone?</p> <p>21 A I met face-to-face with Bishop Pettit.</p> <p>22 Q Where did you meet with him?</p> <p>23 A At the Kent 2nd Ward bishop's office.</p> <p>24 Q Who else was in the office besides Bishop Pettit and</p> <p>25 yourself?</p>

5 (Pages 14 to 17)

Daniel Fleming
September 23, 2005

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<p style="text-align: right;">Page 18</p> <p>1 A No one.</p> <p>2 Q What did you tell Bishop Pettit?</p> <p>3 A I told Bishop Pettit that my friend Todd Denny</p> <p>4 reported to me that Jack had molested him on our</p> <p>5 previous campout.</p> <p>6 Q Did you mention anything to Bishop Pettit about that</p> <p>7 you had heard about other acts of that nature by Jack</p> <p>8 LoHolt and other boys?</p> <p>9 A Yes.</p> <p>10 Q Why did you go and tell Bishop Pettit?</p> <p>11 A I recall my motives for going to Bishop Pettit were</p> <p>12 not for the regard of Todd Denny.</p> <p>13 Q What were they in regard for?</p> <p>14 A My motives for talking to Bishop Pettit about this</p> <p>15 was so that I could be held up as the little hero in</p> <p>16 the church for exposing what was going on and I would</p> <p>17 receive a lot of positive attention for that.</p> <p>18 Q When you told Bishop Pettit what you did, what did he</p> <p>19 say?</p> <p>20 A When I told Bishop Pettit what?</p> <p>21 Q When you told Bishop Pettit what Todd Denny had told</p> <p>22 you and what you knew about Jack's conduct with other</p> <p>23 boys.</p> <p>24 A Bishop Pettit asked me that this not leave his office</p> <p>25 that day, that I was not to go out and broadcast this</p>	<p style="text-align: right;">Page 20</p> <p>1 A For a while and then returned.</p> <p>2 Q Do you have any sense of how long he was out of</p> <p>3 Scouting before he returned?</p> <p>4 A I have a sense as far as I remember that it didn't</p> <p>5 seem very long before he was standing in front with</p> <p>6 the leadership of our Scout troop again. In one form</p> <p>7 or another he was up front because I remember</p> <p>8 feeling-- I wondered if he knew I was the one that</p> <p>9 told Bishop Pettit on him.</p> <p>10 Q Was that a source of worry for you?</p> <p>11 A Yes.</p> <p>12 Q When you saw him up there with the Scout leadership,</p> <p>13 what kind of events are you referring to?</p> <p>14 Are these like Scout honor courts or what are you</p> <p>15 referring to?</p> <p>16 A This particular meeting was a Scout meeting in the</p> <p>17 Kent 2nd Ward building where we were all sitting in</p> <p>18 chairs, and I don't recall the subject matter, but I</p> <p>19 recall that he was standing up front alongside the</p> <p>20 other leadership that were standing in front of the</p> <p>21 Scout troops.</p> <p>22 Q When he returned, did his activities with respect to</p> <p>23 working with Scouts differ than what it had before or</p> <p>24 was he participating in the same kind of Scouting</p> <p>25 activities that he had before you went to see Bishop</p>
<p style="text-align: right;">Page 19</p> <p>1 or tell anyone what I had just told him.</p> <p>2 Q He told you not to tell anybody else?</p> <p>3 A Yes.</p> <p>4 Q Did he say anything else besides, "Don't tell anyone</p> <p>5 else"?</p> <p>6 A He said he did not want Todd to repeat this to anyone</p> <p>7 else.</p> <p>8 Q Did he say anything else?</p> <p>9 A I recall that he told me to keep quiet.</p> <p>10 Q Did he say what he was going to do, if anything,</p> <p>11 about Jack?</p> <p>12 A He said they would take care of it.</p> <p>13 Q Did he say how he was going to take care of it?</p> <p>14 A I don't recall.</p> <p>15 Q Did Jack's involvement or participation in Scouting,</p> <p>16 from what you could see, change after you went and</p> <p>17 talked to Bishop Pettit?</p> <p>18 A Yes.</p> <p>19 Q How?</p> <p>20 A I recall that Jack was out of the picture for a</p> <p>21 while, that Jack was not our Scout-- was not at the</p> <p>22 meetings for a short time or our Scout master any</p> <p>23 longer.</p> <p>24 Q So he kind of disappeared from the ward Scouting</p> <p>25 program for a while?</p>	<p style="text-align: right;">Page 21</p> <p>1 Pettit?</p> <p>2 A He still had contact-- I don't know the context of</p> <p>3 his participation, but he was still part of Scouting</p> <p>4 activities.</p> <p>5 Q Was he still going on campouts with boys?</p> <p>6 A I don't recall.</p> <p>7 Q Okay. Did there continue to be Scout meetings at his</p> <p>8 house?</p> <p>9 A Yes.</p> <p>10 Q Did you eventually leave Scouting or quit Scouting or</p> <p>11 outgrow Scouting or did you stay in Scouting</p> <p>12 throughout the time that you were age eligible to be</p> <p>13 in Scouting?</p> <p>14 A I fell out of Scouting and the church. I moved in</p> <p>15 with my father in the middle of 9th grade.</p> <p>16 Q In the middle of what year?</p> <p>17 A 9th grade. I was 14 and a half.</p> <p>18 Q Did you continue as an active member of the church</p> <p>19 after that?</p> <p>20 A No.</p> <p>21 Q Was that the end of your active involvement in the</p> <p>22 Mormon church?</p> <p>23 A No. I reentered an active status in the church when</p> <p>24 I was 19 and went on my mission for the Mormon</p> <p>25 church.</p>

6 (Pages 18 to 21)

Daniel Fleming
September 23, 2005

EXHIBIT K

Page 1

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KENNETH FLEMING and JOHN DOE,)

Plaintiffs,)

vs.) NO. 04-2338 RSM

THE CORPORATION OF THE PRESIDENT OF THE)
CHURCH OF JESUS CHRIST OF LATTER-DAY)
SAINTS, a Utah corporation sole, a/k/a)
"MORMON CHURCH"; LDS SOCIAL SERVICES)
a/k/a LDS FAMILY SERVICES, a Utah)
corporation,)

Defendant.)

DEPOSITION UPON ORAL EXAMINATION OF
ROBERT KELLY
VIDEOTAPED PROCEEDING

1:10 o'clock p.m.
August 29, 2005
601 Union Street
Suite 3100
Seattle, Washington

REPORTED BY:
ALISON LOTT, CCR#2337

Page 3

THE VIDEOGRAPHER: We are on the record.

This is the video tape portion in the deposition of Robert Kelly. My name is Brook Young. I'm employed by Prolumina Trial Technologies, located at 80 South Washington, Suite 200, in Seattle, Washington, 98104. This deposition is being recorded on this 29th day of August, 2005.

The time now is approximately 1:10 p.m., and we are located at 601 Union Street, Suite No. 3100 in Seattle, Washington. This deposition is being recorded in the matter of Fleming, et al. versus the Corporation of the President of the Church of Jesus Christ of Latter Day Saints, et al. The case number is 04-2338 RSM, in the United States District Court, Western District of Washington at Seattle.

This deposition was noticed by Thomas Frey. Counsel and all present may identify themselves for the record, and the witness may be sworn in.

MR. KOSNOFF: For the record, Timothy Kosnoff, co-counsel on behalf of the plaintiff.

MR. FREY: Tom Frey, co-counsel on behalf of the defendant -- all of the defendants.

MR. NASH: Marcus Nash, counsel for the defendants.

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APPEARANCES

For the Plaintiffs: TIMOTHY KOSNOFF
Attorney at Law
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For the Defendants: THOMAS D. FREY
MARCUS NASH
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Videotaped by: Brook Young
Prolumina Trial Technologies

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ROBERT KELLY, having been duly sworn by the Notary to tell the truth, the whole truth and nothing but the truth, testified as follows:

DIRECT EXAMINATION

BY MR. FREY:

Q Mr. Kelly, my name is Tom Frey. I'm one of the attorneys for the LDS Church, and I want to go over a few preliminary matters with you. Have you ever had your deposition taken before?

A No, I haven't.

Q I'm going to be asking you a series of questions, and if at any time you wish to take a break, we can do that for any reason. The only time we can't take a break is if I have a question pending and you haven't answered it, then you should answer the question first. If you need to speak with your attorney, you can do that, again, as long as a question isn't pending.

The nature of these cases is such that they sometimes involve testimony which is fairly, either intimate or personal or what-have-you. My goal and the object here is not to embarrass you. I won't intentionally do that. I may have to ask you some questions which will be difficult for you to answer, or they may even be a little bit embarrassing, and I can assure you it's not my intention to do that for my own purposes or any other

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1 Q Very good. Okay, thank you. Are you aware that your
2 mother's deposition has been taken in this case?
3 A Yes, I am.
4 Q And have you spoken with her about that deposition?
5 A I've spoken with her, not in great detail.
6 Q Did you read her deposition?
7 A No, I did not.
8 Q What did you talk about with your mother concerning her
9 deposition?
10 A What it was like to meet you.
11 Q And did she talk to you about the questions that she was
12 asked?
13 A Can you rephrase the question, please?
14 Q Did your mother discuss with you the questions that she was
15 asked in her deposition?
16 A Yes.
17 Q And what did she tell you she was asked?
18 A When the abuse occurred, and that's pretty much all we
19 talked about, is the dates of the abuse.
20 Q To the best of your memory, what was your age at the time
21 the abuse commenced?
22 A I know the abuse happened somewhere in the early to mid
23 '70s. And I was born in 1962, so that would put it
24 around -- somewhere between nine and twelve years old,
25 somewhere in that area.

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1 Q I asked that question because in the records from the anger
2 control school or management that you took, there's two
3 references in there to you being abused at the age of six
4 for a period of months, which is allegedly attributed to
5 you. In fact, to be more specific, in a letter dated April
6 4, 2001, a Mr. Keith Waterman, to which the notes are
7 attached, it states, "Client asked that his own sexual
8 abuse with an adult neighbor at age six, that lasted for
9 several months, not be released to others because it
10 appeared it would be construed that the sexual allegations
11 of child abuse against him would be given more merit." Was
12 he correct in his recounting that conversation with you,
13 both as to the age and the amount of time that the abuse
14 lasted?
15 A Well, I don't recall the specifics of that conversation
16 with Mr. Waterland.
17 Q By the way, have you reviewed the notes of your treatment
18 at the anger management before your deposition today?
19 A No.
20 Q There's another reference by -- I guess it is correct,
21 Dr. Warland, W-A-R-L-A-N-D, middle initial D, as in duck,
22 Wight, W-I-G-H-T, Ph.D., in which he is writing to an
23 individual by the name of Carl Kocis, K-O-C-I-S, one of
24 your attorneys. And there's a mention made in that letter
25 that he says, "He was sexually abused at six years old, and

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1 has never obtained treatment for it." Again, do you
2 remember telling him that that was about the age that you
3 were molested?
4 A I don't recall that conversation. I mean, the specific
5 dates that were discussed. I remember meeting with
6 Dr. Wight, but I don't recall the specific dates that I
7 mentioned to him.
8 Q Well, both of these mention you being six years of age. Do
9 you think it was older now, than being six, when this first
10 happened?
11 A Since I met with Dr. Wight, I had a chance to more
12 critically reflect on the dates and now I think it was at
13 an older age.
14 Q So you think it's between nine and twelve now?
15 A That's correct.
16 Q What made you change your mind?
17 A Well, I reflectively thought that -- I know I wasn't abused
18 when I -- I transferred to a private grade school when I
19 was midway through my sixth year grade, and I know I wasn't
20 abused at that point on and afterwards. It happened before
21 then. And it happened sometime during the point when Jack
22 moved into the home. And I didn't -- when I met with
23 Dr. Wight and Keith Waterland, I didn't connect those two.
24 Q Now, did you and one of the Allenbach children both go to a
25 different private school in the sixth grade?

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1 A That's correct.
2 Q And which child was that?
3 A Jimmy Allenbach.
4 Q Have you spoken with Jimmy Allenbach prior to your becoming
5 a plaintiff in this litigation?
6 A No, I have not.
7 Q Did you speak with Ken Fleming before you became involved
8 in this litigation?
9 A I -- yes, I spoke with him.
10 Q When did you speak with him?
11 A I spoke with him maybe approximately three weeks ago.
12 Q You did not, then, speak with him prior to becoming a
13 plaintiff in this lawsuit?
14 A We grew up together, and we -- you know, growing up, we
15 spoke. But for several years there was no contact.
16 Q Okay. But my question, more precisely is, before you
17 became a plaintiff in this lawsuit, did you discuss joining
18 the lawsuit with Ken Fleming?
19 A I don't recall. I don't think so.
20 Q Did Ken Fleming -- you don't recall having any conversation
21 with him about joining this lawsuit, then, before you
22 became a plaintiff; is that correct?
23 A That's correct.
24 Q And would you have the same answer for Jimmy Allenbach?
25 A That's correct.

4 (Pages 13 to 16)